

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SMART VENT PRODUCTS, INC.,

Plaintiff,

-against-

AAA LOUVERS AND MILLWORK, INC.,

Defendant.

AAA LOUVERS, INC.,

Counterclaim Plaintiff,

-against-

SMART VENT PRODUCTS, INC.,

Counterclaim Defendant.

Civil Action No.:

1:13-cv-03643

Hon. Jerome B. Simandle

Hon. Karen M. Williams

**JOINT [PROPOSED]
DISCOVERY PLAN**

Defendant/Counterclaim Plaintiff AAA LOUVERS, INC., (“AAA Louvers”), and Plaintiff/Counterclaim Defendant Smart Vent Products, Inc. (“Smart Vent”), by and through their attorneys and at Smart Vent’s request, have met and conferred in good-faith and hereby submit the following Joint [Proposed] Discovery Plan.

In accordance with L. Civ. R. 9.3 (“Local Patent Rules”), the parties submit the following proposed joint discovery plan with respect to the patent claims:

By August 28, 2014:

Pursuant to L. Pat. R. 4.2(c), Parties to exchange applicable identifications.

By September 16, 2014:

Pursuant to L. Pat. R. 4.3, Parties shall complete and file a “Joint Claim Construction and Prehearing Statement.”

By October 9, 2014:

Completion of discovery pursuant to L. Pat. R. 4.4

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| By October 28, 2014: | Pursuant to L. Pat. R. 4.5(a), opening <i>Markman</i> submissions must be filed and served. |
| By December 5, 2014: | Pursuant to L. Pat. R. 4.5(b), discovery from expert witnesses who submitted a certification or declaration with the “Opening <i>Markman</i> Submission” shall be concluded. |
| By January 8, 2015: | Pursuant to L. Pat. R. 4.5(c), responses to “Opening <i>Markman</i> Submissions” must be filed and served. |
| By January 22, 2015: | Pursuant to L. Pat. R. 4.6, deadline for meet and confer as to whether a claim construction hearing is necessary. |

The parties submit the following proposed joint discovery plan with respect to amending pleadings and adding parties for all claims, and, with respect to non- patent claims, the following additional deadlines:

- (1) Service of initial written discovery: **on or before March 10, 2014** (for non-patent claims).
- (2) Maximum of **25** Interrogatories by each party to each other party.
- (3) Maximum of **10** depositions to be taken by each party.
- (4) Motions to amend or to add parties to be filed by: **on or before September 26, 2014** (for all claims).
- (5) Factual discovery to be completed by: **on or before December 2, 2014** (for non-patent claims).
- (6) Plaintiff’s expert report due: **on or before January 15, 2015** (for non-patent claims).
- (7) Defendant's expert report due: **on or before February 12, 2015** (for non-patent claims).
- (8) Expert depositions to be completed: **on or before April 9, 2015** (for non-patent claims).
- (9) Dispositive motions to be filed: **on or before May 28, 2015** (for non-patent claims).

<p>Dated: July 29, 2014</p> <p><u>/ Emmett Collazo/</u> Anthony J. DiMarino III Emmett Collazo A.J. DiMarino, P.C. 57 Euclid Street, Suite A Woodbury, New Jersey 08096 Phone: (856) 853-0055 Fax: (856) 853-2866</p> <p><i>Attorneys for Smart Vent</i></p>	<p>Dated: July 29, 2014</p> <p><u>/ Michael C. Cannata/</u> Stephen J. Smirti, Jr. Michael C. Cannata RIVKIN RADLER LLP 926 RXR Plaza Uniondale, New York 11556 Phone: (516) 357-3000 Fax: (516) 357-3333</p> <p><i>Attorneys for AAA Louvers</i></p>
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So Ordered: _____
Hon. Karen M. Williams